



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(205)

**FAO No.615 of 2000(O&M)
Date of Decision-29.04.2026**

BHAGWANT SINGH

... APPELLANT

VERSUS

REHRA RAM AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Naveen Jhajholia, Advocate
for the appellant.

Mr. V.K. Garg, Advocate
for the respondent No.3/Insurance Company.

VIRINDER AGGARWAL,J.(Oral)

1. The present appeal has been preferred by the appellant seeking enhancement of the compensation awarded vide award dated 10.12.1999 passed by the learned Motor Accident Claims Tribunal, Sirsa, on account of the injuries sustained by Bhagwant Singh in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 14.03.1997, the appellant-claimant Bhagwant Singh (aged about 22 years), was coming back to his house on a bicycle after supplying milk at Govt. Dairy, Mallekan. When he reached near the Dhani of Beera Singh, Jeep No. HR-24B/1350, being driven by respondent No.1 Rehra Ram in a rash, negligent and careless manner from the Malwani (Rajasthan) side, came all of a sudden and struck against the bicycle of the claimant. As a result, the bicycle and the claimant fell on the metalled road. The claimant received multiple serious injuries on various parts of the body. On account of the injuries suffered in the accident, the claimant filed a petition



under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Sirsa, seeking compensation for the injuries suffered by him. After appreciating the evidence led by the parties, the learned Tribunal awarded a lump-sum compensation of Rs.30,000/- on all counts along with interest @ 12% per annum from the date of filing of the petition till realization. The driver and owner were held jointly and severally liable, with the primary liability on the insurer to indemnify the owner.

CONTENTIONS

3. Learned counsel for the appellant argued that the compensation awarded by the learned Tribunal is grossly inadequate and inconsistent with settled principles for determining just compensation. It was submitted that the learned Tribunal has erred by awarding only lump-sum compensation. In particular, no specific compensation has been granted towards medical expenses, pain and suffering, and other consequential expenses incurred by the appellant on account of the injuries sustained in the accident. Learned counsel also submitted that no amount has been awarded towards loss of amenities of life, transportation expenses, attendant charges and special diet. On these grounds, it was urged that the compensation awarded by the learned Tribunal deserves to be suitably enhanced so as to ensure the grant of fair and reasonable compensation to the appellant.

4. Learned counsel for the respondent No.3 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

5. I have heard learned counsel for the parties and perused the complete
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I attest to the accuracy and
integrity of this document



records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. However, the core issue arising in this appeal pertains to the reassessment of the quantum of compensation. The reassessment is, therefore, undertaken as under:

6. In the injury cases, the amount of compensation has to be evaluated in accordance with the principles recognised in ***Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343***, wherein the Hon'ble Supreme Court has classified the heads of compensation separately for pecuniary and non-pecuniary damages, including medical expenses, loss of income during treatment, future loss of earning capacity, transportation, pain and suffering and loss of amenities. The quantum in this case, therefore, warrants re-examination by considering the nature of injuries, duration of hospitalisation and other attending circumstances as reflected in the respective records.

7. A perusal of the record reveals that the appellant-claimant Bhagwant Singh sustained multiple grievous injuries, as is evident from the Medico-Legal Report (Ex. P4). The said report records one incised wound on the right temporal region and four lacerated wounds on the right parietal region, lower lip, upper lip, and chin. In addition thereto, the claimant suffered dental and gum fractures accompanied by degloving avulsion, along with cerebral oedema, which resulted in drowsiness and unconsciousness for approximately five days. Further, as per the testimony of Dr. Subedar Singh (PW-5), Head of Unit, Surgery No. 4, Ward No. 5, PGIMS, Rohtak, and from the medical record (Ex. P2) and discharge certificate (Ex. P5), the claimant remained admitted as an indoor patient at PGIMS, Rohtak from 15.03.1997 to 29.03.1997, i.e., for a period of 14 days. During this period, he was treated conservatively under the



supervision of a Neuro Surgeon and a Dental Surgeon. Thereafter, the claimant was required to visit the hospital on 7-8 occasions for follow-up treatment. It has further come on record that the claimant continued to suffer from persistent pain, recurrent headaches, and functional limitations, including difficulty in swallowing, which adversely affected his ability to carry out his normal avocation and day-to-day activities.

8. Although the X-ray reports did not reveal any bony fracture and no formal disability certificate quantifying permanent disability has been placed on record, the cumulative effect of the injuries particularly the head injury involving cerebral oedema, the prolonged period of unconsciousness, and the dental trauma cannot be disregarded. Considering that the claimant was a young man of 22 years, engaged in physically demanding work such as agricultural labour, tractor mechanics, and dairy-related activities, it is evident that he remained under treatment and was incapacitated from work for a substantial period, thereby suffering both physical and economic hardship.

9. Furthermore, the claimant deposed that he had incurred substantial expenditure on his treatment; however, no documentary evidence in the form of bills or receipts has been produced on record. Nonetheless, it is well settled that in cases involving serious injuries, strict proof of each and every expense may not always be possible. The nature of injuries sustained by the claimant, his hospitalization in a higher medical centre i.e. PGIMS, Rohtak, the requirement of repeated follow-up visits, record of purchase of medicines not readily available in the hospital, special liquid diet necessitated by dental injuries, transportation expenses, and attendant charges, are all borne out from the record and cannot be overlooked. In this backdrop, the award of a consolidated sum of



inadequate and not commensurate with the extent of injuries, duration of treatment, and the attendant circumstances of the case.

10. Moreover, the evidence on record establishes that the appellant was engaged in agricultural labour, tractor mechanics, and dairy-related activities and, owing to the injuries sustained in the accident, remained under treatment and was rendered incapable of working for a considerable period. In the absence of strict documentary proof of income, the monthly earnings of the claimant can reasonably be assessed on a notional basis at ₹2,000/-, being the prevailing income of an unskilled labourer at the relevant time. Consequently, the loss of earnings during the period of treatment and recuperation, which arose directly from the accident, deserves to be duly accounted for while determining just compensation at least for 6 Months period.

11. Furthermore, the material on record clearly indicates that the appellant suffered multiple serious injuries, including head trauma in the form of cerebral oedema and significant dental injuries. Although no formal disability certificate has been produced, the nature, extent, and multiplicity of injuries, coupled with the prolonged recovery period, unmistakably suggest that the claimant would have endured considerable pain, suffering, and functional limitations, adversely affecting his work capacity and day-to-day life, including the enjoyment of normal amenities.

12. In view of the foregoing discussion, and having due regard to the nature and gravity of injuries (involving head, face, and jaw), the period of hospitalization (14 days), the prolonged course of treatment and recuperation, the resultant loss of earnings, as well as expenses towards attendant care, special diet, and transportation, along with the pain, suffering, inconvenience,

and loss of amenities endured by the claimant, this Court is of the considered



opinion that the compensation awarded by the learned Tribunal is inadequate and warrants enhancement. The compensation is, therefore, reassessed as per the following table:

Particulars	Re-assessed (₹)
Loss of income during treatment (6 months)	12,000/- (2,000 x 6)
Medical expenses	20,000/-
Transportation	5,000/-
Special diet	10,000/-
Attendant	10,000/-
Loss of amenities	10,000/-
Pain and suffering	10,000/-
Total	₹77,000/-

13. In view of the above, the appeal is partly allowed. The impugned award dated 10.12.1999 is modified to the extent that the compensation payable to the appellant is enhanced from ₹30,000/- to **₹77,000/-**. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

14. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

29.04.2026
Poonam

- (i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No